IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 544 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SAROJBEN BABUBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:
Mr.P.S.Gondaliya for
MR YOGESH S LAKHANI for Petitioner
Ms.Harsha Devani, learned A.G.P. for respondents
The concerned girl, namely, Bhagvati, daughter of the petitioner and Babubhai Patel is present before this Court as produced by the Nari Vikas Gruh through Ushaben Chavada, Aya.

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE R.R.TRIPATHI

Date of decision: 16/08/2000

ORAL JUDGEMENT(Per: M.R.Calla,J)

Rule. Ms.Harsha Devani, learned A.G.P. waives service of rule on behalf of the respondents.

Earlier one Shri Yogeshbhai Govindbhai Patel had filed Special Criminal Application No.164/99 with regard to the custody of the girl Bhagvati claiming therein that he had married her. That petition was permitted to be withdrawn and dismissed as such with liberty to move the Court again if necessary on 6.4.99. Thereafter, in June 1999 the present petition was filed by mother of the girl about her custody while she was living in Nari Vikas Gruh. The earlier order sheet dated 19.7.2000 shows that the Court wanted to ascertain her wishes and on that day it was recorded that the girl Bhagvati had expressed her wish to discontinue to live in Nari Vikas Gruh and join the company of her parents. The Court, however, looking to her earlier statement, copy of which was produced at Annexure 'A' in the earlier Special Criminal Application No.164/99 as was filed by Yogeshbhai Govindbhai Patel and looking to the fact that she was still minor, adjourned the matter.

Even today before us Bhagvati has clearly stated that she wants to be in the company of her parents. There is no dispute that she is a minor girl and her date of birth is 1.6.1984 as per her academic record i.e. the School Leaving Certificate. Her mother i.e. the present petitioner is also present before us. She has been instructed not to treat Bhagvati with cruelty in future and she agrees to keep Bhagvati comfortably. In the facts and circumstances of this case, we direct that Bhagvati may proceed to live with her parents in their care and she is granted permission to leave Nari Vikas Gruh so as to join the company of her parents. This Special Criminal Application is accordingly allowed. Rule is made absolute.

(M.R.Calla,J)

(R.R.Tripathi,J)